

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : LOUIS C. ARGENTA, et al.
Serial No. : 09/026,353
Filing Date : February 19, 1998
Examiner : Lacyk, J.
Group Art Unit : 3735
Entitled : "Wound Treatment Employing
Reduced Pressure"
Attorney Ref. : 0101-P00636US3 (WH4)

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being filed electronically with the United States Patent and Trademark Office via the EFS web system.

9/13/06
Date

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW APPLICATION FROM ISSUE - ISSUE FEE PAID
UNDER 37 C.F.R. § 1.313(c)

Applicants respectfully request the above-identified application be withdrawn from issue. The issue fee was submitted to the U.S. Patent and Trademark Office on June 14, 2006.

The two patents (U.S. 5,645,081 and U.S. 5,636,643) from which the instant application claims priority have been involved in a lengthy litigation in which a jury verdict has now been entered. During the course of the litigation additional material came to light that Applicants wish to put before the USPTO. Accordingly, this Petition to Withdraw Application From Issue is accompanied by a Request for Continued Examination in compliance with 37 C.F.R. §1.114 and

an Information Disclosure Statement (IDS) along with fees under 1.17(h) and 1.17(e).

Even though the jury found that all asserted claims of the '081 and '643 patents were valid over the material submitted in the accompanying IDS, out of an abundance of caution, the IDS filed herewith contains the charge to the jury and all of the materials, not already of record, that the jury was instructed to consider in assessing the validity of the asserted claims of the '081 and '643 patents. Hence, Applicants respectfully petition that the instant application be withdrawn from issue so that the Examiner may consider the additional enclosed material in the instant application. Applicants will also be filing additional IDS materials in the near future.

In the event that any additional fee is required in connection with this submission and not enclosed, the Commissioner is authorized to charge Deposit Account No. 04-1406 of the undersigned attorneys. A duplicate copy of this sheet is enclosed.

Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,
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NH:LCF

Enclosures - Form PTO/SB/30
- Information Disclosure Statement and Form
PTO-1449